

**RECEIVED**  
IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION  
2007 NOV 21 A 11: 24  
DEBBIE HACKETT, CLK  
RUBY STREETER,  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA  
Plaintiff,  
v.  
Case No. 1:07-cv-97-WKW  
OFFICE OF DOUGLAS R. BURGESS, LLC.,  
et al.,  
Defendants.

**Response to Plaintiff's Motion to Amend Complaint, Extend Discovery Cutoff and  
Extend Dates Set Forth in Uniform Scheduling Order**

COMES NOW, Defendants, Office Douglas R. Burgess, LLC and Douglas R. Burgess  
and in response to Plaintiff's Motion to Amend Complaint, Extend Discovery Cutoff and Extend  
Dates in Uniform Scheduling Order, offers the following:

- 1) Defendants consent to extension of discovery cutoff and dates set forth under  
Uniform Scheduling Order.
- 2) Defendants object to and oppose the Plaintiff's Motion to Amend Complaint by  
adding the proposed defendants Plaintiff has listed in her Motion.
- 3) The individuals and entities Plaintiff proposes to add to this action are principals  
in one of Defendant Office of Douglas R. Burgess, LLC's clients, First American Investment  
Company, a debt purchasing entity.
- 4) First American Investment Company is not now and has not ever been the owner of  
the account at issue in this case.
- 5) None of the individuals or entities that Plaintiff proposes to add to her complaint  
are principals in the entity that owns the account at issue in this case. The account is owned by

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Portfolio Partners of Amherst, LLC.

6. The individuals and entities Plaintiff proposes to add to this action have absolutely nothing to do with the account in issue or this case or any attempts by Defendant Office of Douglas R. Burgess, LLC to collect that account.

7. None of the individuals or entities Plaintiff proposes to add to this action are synonymous or “doing business” as “Law Offices of Douglas R. Burgess, LLC.

8. There is no legitimate basis for adding the individuals or entities that Plaintiff has moved to add as defendants.

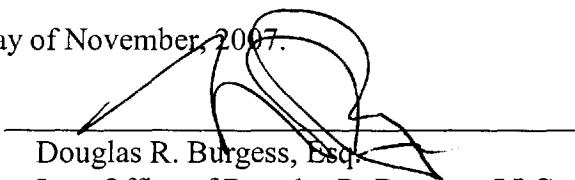
9. Plaintiff’s only purpose for adding the individuals and entities listed in her proposed “Amended Complaint” is to harass the Defendants by needlessly bringing his clients into this matter.

10. “A motion to amend can be denied on numerous grounds, such as undue delay, undue prejudice to the defendants and futility of the amendment.” *Carruthers v. BSA Advertising, Inc.*, 357 F. 3d 1213. (Fla. 2004) (citing *Maynard v. Bd. of Regents of Universities of Fla. Dept. of Educ.*, 342 F.3d 1281, 1287 (11<sup>th</sup> Cir. 2003).

11. Defendant submits that plaintiff secured the incentive and the specific motivation to add defendants from a certain internet website or a collaborating network of self styled “consumer advocates” referred to as “Budd Hibbs” which is little more than a libelous website maintained for the sole purpose of harassing defendant, among others, and which offers and purveys false and misleading information concerning defendants and the other entities plaintiff proposes to add as parties defendant. Defendant submits that this is an inadequate and totally inappropriate reference for plaintiff and is both not worthy of credence or belief and in itself shows that plaintiff is acting out of spite, misinformation and bad faith.

WHEREFORE, Plaintiff's Motion to Amend Complaint is due to be denied for the reason that the amendments or additions proposed by the Plaintiff are irrelevant to the instant case, have no basis for being added and are indicative of bad faith on the part of the plaintiff.

Respectfully submitted this 19<sup>th</sup> day of November, 2007.



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Douglas R. Burgess, Esq.  
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**Certificate of Service**

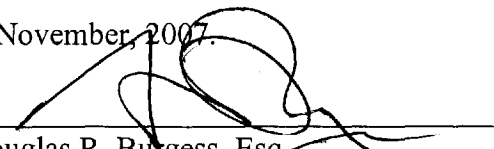
I hereby certify that I have served a copy of the foregoing upon counsel for the Plaintiff via facsimile, Express Mail postage prepaid and US Mail, postage prepaid this 19<sup>th</sup> day of November, 2007 to the following address:

David G. Poston  
Walter A. Blakency  
Michel D. Brock  
Gary W. Stout  
BROCK & STOUT  
P/O/ Drawer 311167  
Enterprise, AL 36330

WHEREFORE, Plaintiff's Motion to Amend Complaint is due to be denied for the reason that the amendments or additions proposed by the Plaintiff are irrelevant to the instant case, have no basis for being added and are indicative of bad faith on the part of the plaintiff.

Respectfully submitted this 19<sup>th</sup> day of November, 2007.

*2007*



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Fax No. 585-581-1062

#### Certificate of Service

I hereby certify that I have served a copy of the foregoing upon counsel for the Plaintiff via facsimile, Express Mail postage prepaid and US Mail, postage prepaid this 19<sup>th</sup> day of November, 2007 to the following address:

*2007*

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Douglas R. Burgess, Esq.